

Boren, Yoakum.
Kearby,

ABSENT—3.
Cranford, Woods.
Whitaker,

EXCUSED—4.
Dickson, McKinney,
McComb, Shelburne.

Senator Smith moved to reconsider the vote by which the amendment was adopted, and to lay that motion on the table.

Carried by the following vote:

YEAS—14.
Atlee, Hutchison,
Baldwin, Jester,
Bowser, Lewis,
Browning, Simpson,
Crowley, Smith,
Dean, Swayne,
Greer, Tips.

NAYS—10.
Agnew, Kearby,
Boren, Lawhon,
Douglass, Pressler,
Goss, Steele,
Imboden, Yoakum.

ABSENT—3.
Cranford, Woods.
Whitaker,

EXCUSED—4.
Dickson, McKinney,
McComb, Shelburne.

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, Feb. 27, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate that the House desires the return of Senate bill No. 107, "An act to restore to the county court of Tyler county civil and criminal jurisdiction," a motion having been entered to reconsider the passage of the same.

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

Senator Jester moved to adjourn till to-morrow morning at 10 o'clock.

Senator Imboden moved to adjourn till 3 o'clock this evening.

The vote recurring on the longest time first the Senate adjourned till to-morrow morning at 10 o'clock.

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Feb. 28, 1893.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—30.
Agnew, Jester,
Atlee, Kearby,
Baldwin, Lawhon,
Boren, Lewis,
Bowser, McComb,
Browning, McKinney,
Cranford, Presler,
Crowley, Shelburne,
Dean, Simpson,
Dickson, Smith,
Douglass, Steele,
Goss, Swayne,
Greer, Tips,
Hutchison, Whitaker,
Imboden, Yoakum.

EXCUSED—1.
Woods.

Prayer by the chaplain, Dr. Briggs, as follows:

O Lord, our Father, help us to see that the hall in which we labor is roofless to infinity, with every word and deed beneath the eye and benediction of the allwise God, our Father. Deepen our faith in immortality. May we never forget that without immortality commerce is the piling up of sandhills upon an ocean shore to be swept away by the returning tide; science, the putting forth of leaky rafts toward illimitable seas to be whelmed before they pass the shallows; thought, the mounting upward of a rocket to spangle for a moment an infinite midnight; love, the slipping round the heart; with joy-thrills of the fingers of a fiend, the better to tear it from the bosom. Make each man in this room not only a wise citizen and a faithful senator, but a true, tender, loving, compassionate man, who speaks and thinks, and labors as becometh one who dwells for a little in the vestibule of Life, in the porch of the Infinities. And to Thy name be praise and honor now and always. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Douglass, the reading of the same was suspended.

On motion of Senator Hutchison, James Ferrell, porter, was excused for non-attendance on last Wednesday, Thursday and Friday on account of sickness.

COMMITTEE REPORTS.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 24, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 228, entitled "An act to fix and define the liability of palace and sleeping car companies who sell seats, births and state room accommodations on palace and sleeping cars,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

SWAYNE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. J. H. Cochran, Speaker of the House of Representatives:

Your Committee on Internal Improvements to whom was referred

Senate bill No. 176, entitled "An act to amend article 4146 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

SWAYNE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 174, entitled "An act to enable railroad corporations to acquire or construct, own, maintain and operate short extensions and branch or lateral lines of road without amendment of their charter for such purpose,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

SWAYNE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 27, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 215, entitled "An act to repeal article 746, title 7, chapter 8, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

KEARBY, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 27, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 233, entitled "An act to protect laborers employed in manufacturing establishments and in mines in the State of Texas and to secure them the payment of the wages

of labor and to provide a penalty for violations of the provisions of this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with the following amendments:

Amend caption by striking out all after the word "employed" down to and including word "mines."

Amend section 1 by striking out words "engaged in the business of manufacturing or mining" and insert in lieu the words "doing business."

Amend section 2 so as to read as follows:

Section 2. Any officer or agent of any corporation, or any person, firm or company doing business in the State of Texas, who by themselves or agent shall issue or circulate in payment for wages of labor any order, check, memorandum, token or evidence of indebtedness, payable in whole or in part, otherwise than in lawful money of the United States, as required by the first section of this act, or who shall fail to redeem the same when presented for payment within thirty days from date of delivery thereof by said company or its agent at his or their office or place of business in lawful money of the United States or who shall compel or attempt to coerce any employe of any such corporation, person, firm or company to purchase goods, wares, merchandise or supplies from any particular person, firm or corporation shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$10 nor more than \$200 for each and every such offense.

KEARBY, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 27, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 151, entitled "An act to amend chapter 75 of the acts of the Twenty-first Legislature of Texas, approved April 6, 1889, entitled an act to require butchers and slaughterers of cattle to give a bond, and to prescribe penalties for the violation of the conditions of the same, and to prevent unlawful slaughtering and selling of cattle, as amended by the Twenty-second Legislature,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with the following amendment:

Amend section 9 by striking out the following counties: Stevens, Young, Throckmorton, Baylor, Knox, Archer, and by adding to said section the following counties: Haskell, Wilson and Willbarger.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 27, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 227, entitled "An act to restore to the county court of Jefferson county civil and criminal jurisdiction,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 204, entitled "An act to amend article 542 of the Penal Code of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

KEARBY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 228, entitled "An act to fix and define the liability of palace and sleeping car companies who sell seats, berths and state room accommodations on palace and sleeping cars,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

SWAYNE, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 174, entitled "An act to enable railroad corporations to acquire or construct, own, maintain and operate short extensions and branch or lateral lines of road without amendment of their charter for such purpose,"

Have had the same under consideration, and instruct me to report it

back to the Senate with the recommendation that it *do pass*.

SWAYNE, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 176, entitled "An act to amend article 4146 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

SWAYNE, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 27, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Finance, to whom was recommitted

Substitute House bills Nos. 190 and 240, entitled "An act making appropriations for registered and estimated deficiencies in the appropriations for the support of the State government from March 1, 1891, to February 28, 1893, and for previous years,"

Have had the same under consideration, and instruct me to report it back to the Senate with the accompanying committee substitute with the recommendation that the committee substitute *do pass*.

JESTER, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 27, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Finance, to whom was recommitted

Senate bill No. 191, with the committee substitute for same bill, entitled "An act providing for the payment of \$484,500 matured 6 and 7 per cent bonds and the issuance of 4 per cent, 40 year bonds in lieu thereof," and entitled "An act to provide for the retirement of past due bonds and the issuance of other bonds at a lower rate of interest in lieu thereof,"

Have had the same under consideration, and instruct me to report back the following substitute for Senate bill No. 191 and for former committee substitute for same bill: "A bill to be entitled an act to provide for the retirement of past due bonds of the State of Texas, for the payment of interest thereon, and the issuance of other bonds at a lower rate of interest in lieu thereof," with the recommendation that this committee substitute *do pass*.

JESTER, Chairman.

Committee substitute for Senate bill No. 191, and for former committee substitute for same bill.

Abill to be entitled "An act to provide for the retirement of the past due bonds of the State of Texas, for the payment of interest thereon, and the issuance of other bonds at a lower rate of interest in lieu thereof."

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor of the State is hereby authorized to have prepared as may be necessary, manuscript and lithographic bonds of the State to the total amount of four hundred and eighty-six thousand five hundred dollars, due and payable forty years from date, bearing four per cent interest per annum from date, interest payable annually, said bonds to be of such denomination as the Governor may direct, and redeemable at the option of the State at any time after five years from the date of their issuance, to be signed by the Governor and State Treasurer, and countersigned by the Comptroller of Public Accounts; also, the title and date of the passage of this act shall be recited therein, and registered in the office of the State Treasurer.

Sec. 2. The purpose of the issuance of these bonds shall be for the retirement of the following series of past due State bonds:

1. Two hundred thousand (\$200,000) dollars of six per cents of the act of February 13, 1885, redeemable at the pleasure of the State, January 1, 1890.

2. Twenty-five thousand five hundred (\$25,500) dollars of six per cents of the act of May 2, 1871, due March 1, 1890.

3. Two hundred and sixty-one thousand (\$261,000) dollars of seven per cents of the act of December 2, 1871, due April 1, 1892.

Sec. 3. The bonds authorized to be issued by this act shall be used in the following manner:

The manuscript in lieu and in retirement of past due bonds held by special funds; provided, should the Governor be unable to substitute 4 per cent bonds in lieu of past due bonds held by special funds, or any part thereof, then the lithographic shall be sold by the Governor at not less than their face value, and the proceeds applied to the purchase of the past due bonds hereinbefore named.

Sec. 4. The Comptroller shall pay the accumulated interest due upon said past due bonds by issuing his

warrants on the State Treasurer for all interest due up to March 1, 1893, and thereafter until said bonds are retired.

Sec. 5. That the sum of twelve hundred (\$1200) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, to pay the expenses of engraving and printing the bonds provided for in this act, and the plates used in engraving and printing the said bonds shall be canceled or destroyed under the direction of the Governor, and a certificate to that effect shall be filed in the office of the Comptroller of Public Accounts.

Sec. 6. The fact that these bonds are past due and that their retirement, and the payment of the accumulated interest thereon, is not provided for by law, creates an imperative public necessity that the constitutional rule be suspended requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

BILLS AND RESOLUTIONS.

By Senator Kearby:

Joint resolution amending section 2, article 10 of the Constitution, so as to make railroad commissioners elective and their term of office six years, and after the first election one to be elected every two years thereafter.

Read first time and referred to Committee on Constitutional Amendments.

The Chair announced the morning call concluded.

BILLS ON THIRD READING.

The Chair laid before the Senate, Senate bill No. 109, entitled "An act to authorize and require the Commissioner of the General Land Office to issue patents on public free school, university and asylum lands in certain cases, in quantities less than the amount originally purchased or filed on, and to repeal all laws in conflict herewith," on its third reading and final passage.

The bill was read third time, and passed by the following vote:

YEAS—21.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Whitaker,
Greer,	Yoakum,
Hutchison,	

NAYS—6.

Boren,	Lawhon,
Browning,	McKinney,
Kearby	Tips.

ABSENT—4.

Bowser,	McComb,
Lewis,	Woods.

Senator Goss moved to reconsider the vote by which the bill passed and to lay that motion on the table.

Carried.

The Chair laid before the Senate, Senate bill No. 161, entitled "An act to amend article 1765, title 35 of the Revised Civil Statutes of the State of Texas," on its third reading and final passage.

Bill read third time and passed.

The Chair laid before the Senate,

Senate bill No. 180, entitled "An act to create a State normal school at the city of Denton, Texas, to be known as the Denton Normal Institute, and to make an appropriation therefor," on its third reading and final passage.

Bill read third time and passed by the following vote:

YEAS—19.

Agnew,	Kearby,
Atlee,	Lewis,
Bowser,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Goss,	Swayne,
Greer,	Tips.
Imboden,	Yoakum.
Jester,	

NAYS—10.

Baldwin,	Hutchison,
Boren,	Lawhon,
Browning,	McKinney.
Dickson,	Steele,
Douglass,	Whitaker.

ABSENT—1.

McComb.

EXCUSED—1.

Woods.

Senator Imboden moved to reconsider the vote by which the bill passed and to lay that motion on the table.

Carried.

Senator Yoakum moved to suspend regular business and take up

Substitute Senate bills Nos. 29, 36, 82, 126 and 128. "An act to divide the State of Texas into six supreme judicial districts, to provide for and establish a court of civil appeals in each of said districts, to prescribe the time of holding said courts and to repeal all laws in conflict with the provisions of this act.

Senator Imboden made the point of order that Senator Yoakum was out of order, because the bill was not under the jurisdiction of the Senate.

Motion held premature.

The pending question was on the motion of Senator Cranford that the Senate decline to receive the report of the committee appointed to consider the bill.

Senator Cranford's motion was adopted by a vote of 19 to 10.

Senator Yoakum renewed his motion to take up Senate bills Nos. 29, 36, 82, 126, 128.

Senator Imboden again made the point of order that said motion was out of order, for the reason that the measure was not properly before the Senate.

Pending discussion, Senator Douglass moved to reconsider the motion by which the Senate refused to receive the report of the committee.

Senator Imboden moved to lay the motion on the table.

Lost.

The motion to reconsider was then adopted.

The question recurred on Senator Imboden's motion to return the report to the committee.

Senator Cranford made the point of order that the report could not be referred back to the committee.

Sustained.

Senator Yoakum moved to suspend regular business and take up the bill together with the report of committee.

Senator Steele made the point of order that Senator Yoakum's motion was out of order, in as much as the bill and report were already before the Senate.

Not sustained.

The vote then recurred on Senator Yoakum's motion which was lost by the following vote, (requiring two-thirds):

YEAS—17.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	Presler,
Bowser,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Whitaker,
Greer,	Yoakum.
Hutchison,	

NAYS—11.

Boren,	Kearby,
Browning,	McComb,
Douglass,	McKinney,
Goss,	Steele,
Imboden,	Tips.
Jester,	

ABSENT—2.

Cranford, Swayne.

EXCUSED—1.

Woods.

The Chair laid before the Senate

House bill No. 109, entitled "An act to create a more efficient road system in the county of Caldwell, and auxiliary thereto, to provide for the appointment of road overseers, to define the powers and jurisdiction of the commissioners court with regard thereto, to utilize the labor of county convicts and defaulting poll taxpayers on the public roads of said county and to provide adequate penalties for the violation of the provisions of this act," on third reading.

By Senator Hutchison:

Amend section 11, line 2 by striking out the following words: "And not disqualified or excused by physical infirmity."

Adopted by the following vote:

YEAS—26.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	McComb,
Boren,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Hutchison,	Tips,
Imboden,	Whitaker,
Jester,	Yoakum.

NAYS—none.

ABSENT—4.

Bowser, Greer,
Goss, Lewis.

EXCUSED—1.

Woods.

By Senator Tips:

Amend section 10, line 14, by inserting the following words: "Suitable and satisfactory to the road overseer," after the word "teams" and before the words "as provided."

Adopted by the following vote:

YEAS—24.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Goss,	Steele,
Greer,	Swayne,

Hutchison,
Imboden,Tips,
Whitaker.

NAYS—none.

ABSENT—6.

Bowser,	Lewis,
Dickson,	Smith,
Douglass,	Yoakum.

EXCUSED—4.

Woods.

By Senator Kearby:

Amend section 11 by adding the following:

Provided that the tax collector of Caldwell county shall in his annual report to the Comptroller give the number and amount of poll taxes collected by work upon the public roads; and provided further, that the county of Caldwell shall pay to the Comptroller the pro rata of the poll tax due the available school fund of the State, which has been collected by the county by working on the roads, and the Comptroller shall draw his warrant upon said county for said amounts.

Lost by the following vote:

YEAS—9.

Agnew,	Kearby,
Atlee,	Lawhon,
Boren,	McComb,
Dean,	Yoakum.
Jester,	

NAYS—17.

Baldwin,	McKinney,
Bowser,	Presler,
Browning,	Shelburne,
Crowley,	Simpson,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker.
Imboden,	

ABSENT—4.

Cranford, Lewis,
Dickson, Smith.

EXCUSED—1.

Woods.

By Senator Hutchison:

Amend section 11, line 4, by striking out the word "required" and inserting in lieu thereof the word "permitted."

Adopted by the following vote:

YEAS—25.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Smith.

Dean,
Douglass,
Goss,
Greer,
Imboden,

Steele,
Swayne,
Tips,
Whitaker.

NAYS—1.

Yoakum.

ABSENT—4.

Dickson,
Hutchison,

Kearby,
Simpson.

EXCUSED—1.

Woods.

By Senator Hutchison:

Amend section 11 by adding the words "Provided that no fines or penalties shall be recovered of insolvent poll tax payers for failure to work out their poll tax under the provisions of this act."

Adopted by the following vote:

YEAS—28.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Kearby,
Lawhon,
Lewis,
McComb,
McKinney,
Presler,
Shelburne,
Simpson,
Steele,
Swayne,
Tips,
Whitaker,
Yoakum.

NAYS—none.

ABSENT—2.

Cranford,
Smith.

EXCUSED—1.

Woods.

By Senator Browning:

Amend by striking out the word "eighteen," in section 10, line 1, and insert in lieu thereof the word "twenty-one."

Adopted by the following vote:

YEAS—30.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Kearby,
Lawhon,
Lewis,
McComb,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Whitaker,
Yoakum.

NAYS—none.

EXCUSED—1.

Woods.

Senator Smith moved to adjourn till to-morrow morning at 10 o'clock.

Senator Imboden moved to adjourn till 3 o'clock this evening.

The vote being taken on the longest time first, Senator Smith's motion prevailed and Senate adjourned till to-morrow morning at 10 o'clock.

FORTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 1, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Craue in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—30.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Kearby,
Lawhon,
Lewis,
McComb,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Whitaker,
Yoakum.

EXCUSED—1.

Woods.

Prayer by the chaplain, Dr. Briggs, as follows:

Heavenly Father! We come into Thy presence moved by a feeling as ancient as the race. As we go down the track up which the generations have come temples are the milestones of our journey, and prayers the chief music that we hear. Man no sooner sought bread to satisfy the hunger of his body than he sought God to satisfy the hunger of his soul. Before love built a home, or thought built a school, prayer built a temple. In obedience to this deep and imperious instinct we come into Thy presence. Inspire then hear our prayer. May it be something more than the bowing of creatures before the Creator or the homage of subjects to a sovereign in this hall,